

ORIGINAL

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
JUN 30 2008
at 11 o'clock and 28 min. AM.
SUE BEITIA, CLERK

PETER C. WOLFF, JR. #2332
Federal Public Defender
District of Hawaii

ALEXANDER SILVERT
First Assistant Federal Defender
300 Ala Moana Boulevard, Suite 7104
Honolulu, Hawaii 96850-5269
Telephone: (808) 541-2521
Facsimile: (808) 541-3545
E-Mail: alexander_silvert@fd.org

Attorney for Defendant
JOEL CASTILLO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	Cr. No. 05-00321 SOM
)	
Plaintiff,)	STIPULATION AND ORDER
)	REDUCING SENTENCE
vs.)	PURSUANT TO 18 U.S.C.
)	§ 3582(c)(2)
JOEL CASTILLO,)	
)	
Defendant.)	
_____)	

**STIPULATION AND ORDER REDUCING
SENTENCE PURSUANT TO 18 U.S.C. § 3582(c)(2)**

IT IS HEREBY STIPULATED AND AGREED by and between the parties herein that, pursuant to 18 U.S.C. § 3582(c)(2), the defendant's sentence of 94 months incarceration imposed on February 21, 2006, is reduced to 74 months

incarceration. All other provisions of the sentence imposed on February 21, 2006, remain unaltered.

The defendant, JOEL CASTILLO, is currently serving a term of imprisonment for an offense involving cocaine base (crack). Mr. Castillo was contacted, by phone and in writing, by defense counsel regarding the possible application of the new sentencing guideline amendment to his case. Mr. Castillo has informed counsel to proceed in this matter by stipulation and does not wish to be brought back to Hawaii for purposes of a resentencing hearing.

Mr. Castillo was sentenced by this Court on February 21, 2006, to a term of 94 months imprisonment. His guideline range was 87-108 months, based on a total offense level of 29 and a criminal history category of I.

The sentencing guideline range Mr. Castillo was sentenced under was subsequently lowered by the United States Sentencing Commission on November 1, 2007. See U.S.S.G. Appendix C, Amdt. 706. The amendment was made retroactive. See Amendment 706.

The new amendment changes Mr. Castillo's total offense level to 27. This results in a new guideline range of 70-87 months.

The parties agree that Mr. Castillo is eligible for a reduction of his sentence by retroactive application of Amendment 706 pursuant to § 3582(c) and

U.S.S.G. policy statement § 1B1.10. The parties agree that Mr. Castillo's new sentence of incarceration should be 74 months.

Wherefore, the parties ask that the Court resentence Mr. Castillo to a term of incarceration of 74 months.

IT IS SO STIPULATED:

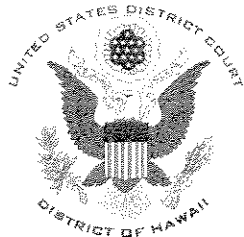
DATED: Honolulu, Hawaii, June 19, 2008.

/s/ Alexander Silvert
ALEXANDER SILVERT
Attorney for Defendant
JOEL CASTILLO

/s/ Mark Inciong
MARK INCIONG
Attorney for Plaintiff
UNITED STATES OF AMERICA

APPROVED AND SO ORDERED:

DATED: Honolulu, Hawaii; June 30, 2008.



/s/ Susan Oki Mollway
SUSAN OKI MOLLWAY
UNITED STATES DISTRICT JUDGE

UNITED STATES v. JOEL CASTILLO

Cr. No. Cr. No. 05-00321 SOM

STIPULATION AND ORDER REDUCING SENTENCE

PURSUANT TO NEW SENTENCING GUIDELINE AMENDMENT